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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,784

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James C. Peele

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EXAMINER

LEVI, DAMEON E

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/711,784	Applicant(s) PEELE, JAMES C.	
	Examiner DAMEON E. LEVI	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3.5-8 and 12-28 is/are pending in the application.
- 4a) Of the above claim(s) 16-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3.5-8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8, and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Atsumi US Patent 5736781.

Regarding claim 1, Atsumi discloses an electronic device module comprising: a card(elements 100, 120, 140, 160, Figs 1-13) including a body(elements 1, Figs 1-13) and at least one component(elements 30, Figs 1-13) selected from the group including memory, a processor, and a power source, and the body having a longitudinal axis and electrical contacts(elements 111-116, Figs 1-13) spaced along the longitudinal axis that extend continuously over at least one half of the periphery around the body, wherein the body has a cross-sectional shape other than one bounded by substantially parallel major surfaces(element 1, Fig 1).

It is the position of the Office that the body 1 includes element 14, and hence, the cross sectional shape would be a shape other than one bounded by substantially parallel major surfaces.

Regarding claim 5, Atsumi discloses wherein the electrical contacts (elements 111-116, Figs 1-13) on the body extend completely around the periphery of the body.

Regarding claim 6, Atsumi discloses further comprising a head (elements 14, Figs 1-13) at one end of the body, the head extending outward from the longitudinal axis of the body a greater distance than the body.

Regarding claim 7, Atsumi discloses wherein the cross-sectional shape of the head is selected from the group comprising substantially circular, substantially elliptical, and a shape having at least three substantially straight sides(element 14, Figs 1-13).

Regarding claim 8, Atsumi discloses an electronic device module comprising:

a card(elements 100, 120, 140, 160, Figs 1-13) including a body(elements 1, Figs 1-13) and at least one component (elements 30, Figs 1-13) selected from the group including memory, a processor, and a power source, and the body having a longitudinal axis and electrical contacts(elements 111-116, Figs 1-13) spaced along the longitudinal axis that extend continuously over at least one half of the periphery around the body, wherein the body has a cross-sectional shape(element 1, Fig 1) that is substantially rectangular and other than substantially planar, and wherein a substantially planar shape is one having a height to width ratio of less than approximately 0.5(column 7, lines 5-10).

Regarding claim 12, Atsumi discloses wherein the electrical contacts (elements 111-116, Figs 1-13) on the body extend completely around the periphery of the body.

Regarding claim 13, Atsumi discloses further comprising a head (elements 14, Figs 1-13) at one end of the body, the head extending outward from the longitudinal axis of the body a greater distance than the body.

Regarding claim 14, Atsumi discloses wherein the cross-sectional shape of the head is selected from the group comprising substantially circular, substantially elliptical, and a shape having at least three substantially straight sides(element 14, Figs 1-13).

Regarding claim 15, Atsumi discloses an electronic device module comprising:

a card (elements 100, 120, 140,.160, Figs 1-13) including a body(elements 1, Figs 1-13) and at least one component(elements 30, Figs 1-13) selected from the group including memory, a processor, and a power source, and the body(elements 1, Figs 1-13) having a longitudinal axis and electrical contacts(elements 111-116, Figs 1-13) spaced along the longitudinal axis that extend continuously over at least one half of the periphery around the body, wherein the cross-sectional shape of the body is selected from the group including substantially circular, substantially elliptical, substantially rectangular(elements 1, Figs 1-13) and having a height to width ratio of at least 0.5(column 7, lines 5-10), and a shape other than a rectangle having at least three substantially straight sides(elements 1, Figs 1-13).

It is the position of the Office that the body 1 includes element 14, and hence, the cross sectional shape would be a shape other than a rectangle having at least three substantially straight sides.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Atsumi US Patent 5736781 in view of Fehrman et al US Patent 6193163.

Regarding claim 2, Atsumi discloses the instant claimed invention except wherein the cross-sectional shape of the body is substantially circular.

Fehrman et al discloses a card module wherein the cross-sectional shape of a body is substantially circular (element 14, Figs 1-8 and 11-14 element 104, Figs 9-10).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the body in a substantially circular cross sectional shape as taught by Fehrman et al in the card module of Atsumi so as to facilitate ease of insertion and removal of the by hand or an appropriate tool (see Fehrman et al column 9, lines 45-50).

Regarding claim 3, Atsumi discloses the instant claimed invention except wherein the cross-sectional shape of the body is substantially elliptical.

Fehrman et al discloses a card module wherein the cross-sectional shape of a body is substantially elliptical (element 14, Figs 1-8 and 11-14 element 104, Figs 9-10).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the body in a substantially elliptical cross sectional shape as taught by Fehrman et al in the card module of Atsumi so as to facilitate ease of insertion and removal of the by hand or an appropriate tool (see Ferhman et al column 9, lines 45-50).

Response to Arguments

Applicant's arguments filed 04/23/2008 have been fully considered but they are not persuasive.

Applicants argue that Atsumi does not teach electrical contacts extending continuously over at least half the periphery of the interface module body.

In response, the Office indicates that the contacts 111-116 of Atsumi can be construed at extending over one half of the periphery of the module body(see Figs 4-13).

Applicants further argue that Atsumi does not disclose the limitations in claims 5 and 12 of the contacts extending over the entirety of the periphery of the interface module body. Again, Atsumi can be construed as teaching that the contacts extend over the entire body of the module therein.

Applicants further argue regarding claims 6 and 13 that the retaining means of Atsumi do not extent a distance from the longitudinal axis that is greater than the body.

In response, it is the position of the Office that element 14 can be construed as extending a distance from the body therein.

Applicants argue regarding claims 2 and 3, that Fehrman et al is not applicable to the present invention, and cannot be fairly combined with Atsumi.

In response, Fehrman et al is employed to teach substantially circular and elliptical shapes of an interface module, and both Atsumi and Fehrman et al are from the same field of endeavor, therefore, one skilled in the art, at the time of the invention, would have been reasonably apprised to shape the module body of Atsumi into circular and elliptical shapes therein.

The rejections are maintained by the Office.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMEON E. LEVI whose telephone number is (571)272-2105. The examiner can normally be reached on Mon.-Thurs. (9:00 - 5:00) IFP, Fridays Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-1984. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dean A. Reichard/
Supervisory Patent Examiner, Art Unit 2841

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